



## RESOLUTION

TO AUTHORIZE THE DEPARTMENT OF THE CORPORATION COUNSEL TO INITIATE LEGAL ACTIONS AGAINST CERTAIN REGISTERED OWNERS OF ABANDONED VEHICLES IN THE CITY AND COUNTY OF HONOLULU'S CUSTODY PURSUANT TO THE SERVICEMEMBERS CIVIL RELIEF ACT.

WHEREAS, under Hawaii Revised Statutes Chapter 290, the City is responsible for the removal, storage, and disposal of vehicles deemed abandoned on public roadways;

WHEREAS, by way of Resolution No.17-165, the Council of the City and County of Honolulu ("Council") recognized that "the problem of abandoned and derelict vehicles being left on City roadways has grown in recent months to include more communities across Oahu, resulting in threats to public health and safety";

WHEREAS, the Servicemembers Civil Relief Act ("SCRA"), 50 United States Code §§ 3901 et seq., is a federal law that provides certain protections for military personnel as they enter active duty;

WHEREAS, the City towed hundreds of vehicles registered to active-duty servicemembers, a number of which the City continues to store under the protections of the SCRA ("SCRA-protected vehicles");

WHEREAS, the City continues to tow vehicles abandoned on public streets, including SCRA-protected vehicles, on a weekly basis;

WHEREAS, the continuous abandonment of vehicles on public streets and decrease in storage lots impact the City's capacity to store vehicles until public auction;

WHEREAS, the City's storage capacity is further impacted by the extended storage of SCRA-protected vehicles, which, under the SCRA, the City is unable to dispose by public auction without written waivers or court orders;

WHEREAS, while the City has been able to dispose of a number of the SCRA-protected vehicles upon the receipt of written waivers, the City has not been able to secure written waivers from all of the registered owners of the SCRA-protected vehicles;

WHEREAS, with the approval of Council, the City settled the lawsuit filed by the U.S. Department of Justice ("DOJ") on February 15, 2018, alleging the unauthorized sale of SCRA-protected vehicles of active-duty servicemembers, and the City may



## RESOLUTION

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proceed with seeking court orders authorizing the disposal of SCRA-protected vehicles without further intervention by the DOJ;

WHEREAS, by obtaining court orders authorizing the public auction of SCRA-protected vehicles within the City's custody, the City's storage capacity is anticipated to improve;

WHEREAS, pursuant to Section 2-3.2(b) of the Revised Ordinances of Honolulu 1990, as amended, the Corporation Counsel requests the consent and approval of the Council to initiate legal actions against registered owners and lienholders (collectively, the "Vehicle Owners") of SCRA-protected vehicles in the custody of the City, now or in the future, in order to obtain court orders authorizing the public auction of SCRA-protected vehicles that have been in the City's custody more than 60 days after notification and remain unclaimed;

WHEREAS, because the City will continue to tow SCRA-protected vehicles from City streets in the future, the Corporation Counsel requests a standing consent and approval of the Council, authorizing Corporation Counsel to initiate legal actions against the Vehicle Owners of applicable SCRA-protected vehicles and to obtain court orders authorizing the City to publicly auction those vehicles; now, therefore,

BE IT RESOLVED by the Council that the Council consents, and Corporation Counsel is hereby authorized, to initiate legal actions against the Vehicle Owners of the applicable SCRA-protected vehicles to obtain court orders authorizing the public auction of those vehicles; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 18-97

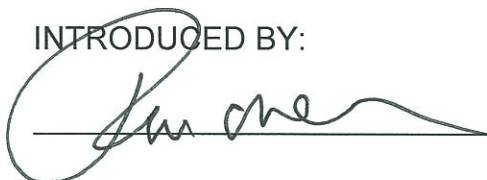
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## RESOLUTION

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BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and the Department of Customer Services.

INTRODUCED BY:

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DATE OF INTRODUCTION:

**MAY 2 2018**

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Honolulu, Hawaii

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Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

RESOLUTION 18-97

Introduced: 05/02/18 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION TO AUTHORIZE THE DEPARTMENT OF THE CORPORATION COUNSEL TO INITIATE LEGAL  
ACTIONS AGAINST CERTAIN REGISTERED OWNERS OF ABANDONED VEHICLES IN THE CITY AND COUNTY OF  
HONOLULU'S CUSTODY PURSUANT TO THE SERVICEMEMBERS CIVIL RELIEF ACT.

Voting Legend: \* = Aye w/Reservations

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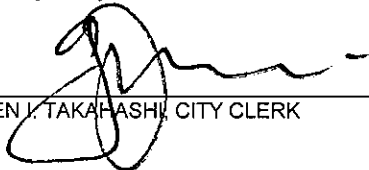
05/01/18 EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION) CR-170 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.

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05/09/18 COUNCIL CR-170 AND RESOLUTION 18-97 WERE ADOPTED.  
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR,  
OZAWA, PINE.

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I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
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GLEN I. TAKAHASHI, CITY CLERK

  
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ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER